

## REMARKS

Applicants respectfully request reconsideration of this application.

Claims 1-20 are pending. No new matter has been added.

### *Request Withdrawal of Final Rejection*

Applicants submit that the Office Action introduces a new ground of rejection that is neither necessitated by an Applicants' amendment of the claims nor based on information submitted in an information disclosure statement. (See MPEP §706.07(a)). Specifically, in reply to Applicants response mailed August 7, 2003 that Fisher does not disclose nor suggest "facilitating a resolution of the complaint associated with the identifier," as claimed, the Office Action introduces a new ground of rejection based on Campbell paragraph 0046 (see Office Action, page 10, section C). Accordingly, Applicants respectfully submit that this final rejection is premature under MPEP §706.07(a) and respectfully request reconsideration and withdrawal of the finality of the Office Action.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,896 of Fisher et al. ("Fisher") in view of U.S. Published Application No. 2001/0041993 of Campbell ("Campbell").

Fisher discloses a system and method for conducting a multi-person, interactive auction, in a variety of formats, without using a human auctioneer to conduct the auction. (See column 6, lines 3-5). This system includes a database for maintaining descriptions of the merchandise for auction, the bids, and other relevant information in a commercially available database system. Database searches are preferably performed periodically to check for new items to be made

visible to potential bidders. Such periodic searching allows an individual charged with maintaining this system to load relevant information into the database at his or her leisure. Once the database is loaded with information about the item and the item is scheduled for presentation to potential bidders, the system takes the merchandise information and creates a human readable catalog page for viewing over a public network such as the Internet's World Wide Web. Bidders are then able to view the new item for auction and *place their bids*. These catalog pages preferably contain *the current high bid, bid increment, quantity available, merchandise description, and picture of the item*. (Emphasis added. See column 6, lines 13-29).

The Office Action contends that the following disclosure in Fisher teaches the "facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction" limitation of claim 1:

Some changes in bidding requirements have made traditional auctions somewhat more convenient for bidders. Many auction firms allow bidders to submit their bids in advance of the auction. Advance bidding may be done by mail as a convenience to the bidders so that they do not have to be physically present at the auction. Also, the advent of the telephone and facsimile machine allowed bidders to submit bids in near real-time during the course of an auction. These technologies free the bidder from being physically present at the auction, thereby saving time and travel expense. To incorporate these technologies into the traditional auction format, representatives of the auction firm receive telephone or facsimile bids from their clients and alert the auctioneer of these new bids. Similarly, the representatives may relay information about the current bid items, such as the current high bid, back to the telephone bidders.

Bidding by mail or facsimile suffers a significant disadvantage as compared to bidding in person or by telephone because the mailing or faxing bidder has no opportunity to increase a bid in quick response to competitive bids received from the floor or by telephone. Moreover, although telephone bidding allows the bidder to avoid travel expense and inconvenience, traditional auctions may be scheduled at inconvenient times for many remote bidders. Also, because of the large number of items or lots sold in a typical auction, which can number in the eight hour period in order to be present when the few lots in which the bidder has an interest come up for sale.

(Fisher Col. 1, lines 40-67)

All claim limitations must be taught or suggested in the prior art cited. (See MPEP §2143.03). This cited passage of Fisher does not explicitly disclose nor suggest submission of a complaint as claimed. Hence, Applicants assume the Office Action asserts that Fisher *suggests* that the *facilitating a submission of a complaint* to the network-based facility is equated to *submitting a bid* on an auction. Applicants respectfully disagree with this interpretation. *An auction bid*, in the broadest sense and as described in Fisher may include the *bidders name and address, bid amount, payment information*, etc. (Emphasis added See column 6, lines 33-36). The bid is submitted to the auction and typically the bidder that has submitted the highest bidding amount is declared the winner of an auctioned item, which is well known to those of ordinary skill in the art. In contrast, submitting a complaint, as claimed and fully supported in the specification (see page 8, lines 9-16) allows, for example, a user to report and settle potential fraud cases. Therefore, Applicants respectfully submit that, in the broadest sense, submission of a complaint, as claimed, is not taught nor suggested by the corresponding cited elements in Fisher.

Furthermore, in reference to Applicants argument that Fisher does not disclose nor suggest facilitating a resolution of the complaint associated with the identifier, as claimed, *the Office Action introduces a new ground of rejection* as follows:

With respect to Applicant's second argument, Examiner respectfully suggests Campbell discloses "an attorney that wishes to "bid" on unresolved insurance claims must be registered on the legal server 102. The attorney, using the attorney computer 118, establishes communication with the legal server 102 via the communication network 116 using the network browser. Once the attorney establishes communication with the legal server 102, the login module 312 presents the attorney with a login display. If the attorney has previously registered, the attorney can log onto the legal server 102 and participate in the claim auctioning process. If the attorney has not previously registered, the attorney registration module 310 prompts the attorney for registration information, confirms the attorney's identity, and approves the attorney's registration. Thereafter, the attorney is able to log onto the legal server 102 and participate in the claim auctioning process" which correspond to Applicant's claimed feature (See Campbell, Col. 5, Paragraph 0046). Therefore, Applicant's argument is not persuasive.

This cited passage of Campbell does not explicitly disclose nor suggest, "facilitating a resolution of the complaint associated with the identifier," as claimed. Rather, this passage of Campbell discloses that an attorney may bid against other attorneys to handle an unresolved insurance claim for a client. Campbell further explains that in this bidding process an "attorney-matching module 316 reviews the abstract and compiles a list of attorneys that could potentially handle the claim (step 710). The attorney-matching module 316 selects attorneys who are both registered to practice in the state in which the accident occurred and who are located in the county in which the accident occurred. The attorney e-mail module 318 then notifies each attorney on the list via e-mail that there is an unresolved insurance claim available for auction (step 712). Attorneys that are interested in the unresolved claim can review the claim abstract (step 714). After reviewing the claim abstract, interested attorneys can submit bids to handle the claim (step 716) or decline to submit a bid (step 718). As bids for a particular unresolved claim are submitted by interested attorneys, the bid-receiving and storage module 304 receives the bids and maintains a bid history and notifies the client that bids for the claim have been received and available for examination (step 720). A typical bid for an unresolved claim includes a copy of the bidding attorney's resume and the amount of the attorney's fee to handle the claim. Bids for the particular unresolved claim can be submitted by interested attorneys for a time period that is determined by the claimant. After the deadline for submitting bids has passed, the claimant reviews the submitted bids and selects an attorney to handle the claim (step 722). After the claimant has selected an attorney, the bid conflict check module 306 reviews the claim file and the attorney profile to determine if there is any reason why the selected attorney cannot handle the client's claim (step 724). If there is a conflict, the claimant is notified and instructed to select another attorney from the bid list. If there is no conflict, the bid notification module 308 notifies the winning attorney and the claimant and discloses both parties' identities (step 726). Losing

attorneys are notified that the particular unresolved claim has been won and that the claim is now closed (step 728). The winning attorney and the claimant are then free to contact each other.” (See Campbell, paragraph 0048).

This is clearly not the same as “facilitating a resolution of the complaint associated with the identifier,” as claimed. Accordingly, these passages cited in Fisher and Campbell do not specifically support the motivation and/or provide an explanation based on the logic and scientific reasoning of one of ordinary skill in the art at the time of the invention that support a holding of obviousness. Modifying these references to submit a complaint and facilitating the resolution of the complaint rather than submitting a bid in auction for good/services or legal services would also render the auction systems unsatisfactory for its intended purpose. (See MPEP §2143.02). Therefore, Applicants respectfully submit that the passages cited in Fisher and Campbell do not disclose nor suggest the element of “facilitating a resolution of the complaint associated with the identifier,” as claimed. Applicants respectfully disagree with the Office Action’s assertion that Applicants “merely provides a piecemeal analysis of the teaching of the Fisher and Campbell references, separately, and in a vacuum.” Rather, Applicants are merely responding to the Office Action’s reasons for rejecting the claims, which must include the particular parts of the references to base the rejection. (See MPEP §706, 37 CFR 1.104(c)(2)). Applicants herein and in the previous response have explained that the sections relied upon to reject the claims relate to *submitting bids in an auction for goods/services* (Fisher) and *submitting bids in an auction for attorney services* (Campbell) and not the elements as claimed.

Accordingly, Applicants respectfully submit Fisher in view of Campbell does not render claim 1 obvious. Independent claims 10 and 19 include features similar to those discussed above for claim 1. Therefore, Applicants respectfully request the rejection to claims 1, 10, and 19 be

withdrawn, as well as the rejection to the claims that are dependent, directly or indirectly, on these claims.

In conclusion, Applicants respectfully submit that the rejections have been overcome by the amendments, and that the claims are in condition for allowance.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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